

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS - WESTERN DIVISION

In re:)	
)	
)	
JACALYN S. NOSEK,	)	Chapter 13
Debtor	)	Case No. 02-46025-JBR
)	
)	
JACALYN S. NOSEK,)	
Plaintiff)	
	)	Adv. Pro. Nos.
	)	04-4517 and
	)	07-4109
v.)	
)	
AMERIQUEST MORTGAGE COMPANY, <i>et al.</i>)	
Defendants)	
)	

**RESPONSE OF AMERIQUEST TO JACALYN NOSEK'S
REQUEST FOR JUDICIAL NOTICE**

Now comes Ameriquest Mortgage Company (“Ameriquest”), through its counsel, Goodwin Procter LLP, and responds to the Jacalyn Nosek’s (the “Debtor”) Request for Judicial Notice (Docket No. 131 in Case No. 07-4109) (the “Request”) as follows:

1. In the Debtor’s Request, the Debtor references the Notice issued by the Court on February 20, 2008 (Docket No. 210 in Case No. 02-46025) (the “Notice”) relating to the transfer of Proof of Claim No. 16 filed April 22, 2003 in Case No. 02-46025 (the “Proof of Claim”) pursuant to that certain Transfer of Claim Other Than For Security from Ameriquest to Citi Residential Lending, Inc. (“CitiRL”), as a loan servicer for the secured creditor Wells Fargo Bank Minnesota, NA successor by merger to Norwest Bank Minnesota, N.A. (“Norwest Wells Fargo”), as Trustee of Amresco Residential Securities Corporation Mortgage Loan Trust 1998-2 (“Amresco Trust”) (Docket No. 176 in Case No. 02-46025) Under the Pooling And Servicing

Agreement dated June 1, 1998 (the “Servicing Agreement”), Without Recourse, attached hereto as Exhibit A (Docket No. 176 in Case No. 02-46025) (the “Claim Transfer”).

2. In the Request, Debtor attempts to characterize the Claim Transfer as an improper reference to Ameriquest as claim holder made after the issuance of the Order to Show Cause issued by the Court on January 25, 2008 (Docket No. 175 in Case No. 02-46025).

3. Debtor’s counsel continues to display an unfairly selective memory, ignoring the full disclosure of this transfer in the Response of Ameriquest to Order to Show Cause (Docket No. 193 in Case No. 02-46025). *See* page 3, footnote 4 of Response of Ameriquest to Order to Show Cause; *see also* App. Ex. 5 (Docket No. 205 in Case No. 02-46025).

4. On March 30, 2005 Ameriquest transferred its loan servicing, including the Debtor’s loan, to AMC Mortgage Services (“AMC”) (App. Ex. 4) (Docket No. 205 in Case No. 02-46025). As of September 30, 2007, AMC assigned its servicing rights to CitiRL. Neither Ameriquest nor AMC is currently in the business of servicing residential mortgage loans. The claim filed by Ameriquest has been formally transferred on the Court’s docket to CitiRL, as servicer pursuant to the Claim Transfer.

5. The Claim Transfer names the transferee of the claim as “Citi Residential Lending, Inc., as a loan servicer for the secured creditor Wells Fargo Bank Minnesota, N.A. successor by merger to Norwest Bank Minnesota, N.A., as Trustee of AMRESCO Residential Securities Corporation Mortgage Loan Trust 1998-2 under the Pooling and Servicing Agreement dated June 1, 1998, without recourse.”

6. In addition, as noted previously, under Sections 8.01(e) and 8.13 of the Servicing Agreement (Docket No. 214 in Case No. 02-46025), Ameriquest had the right to file a Proof of Claim in its name in the Debtor’s case. Irrespective of the matters raised in the Order to Show

Cause, it was accurate for Ameriquest to state in the Claim Transfer that Ameriquest was the party in whose name the Proof of Claim was filed and the Transfer correctly transferred the Proof of Claim from Ameriquest to CitiRL.

7. The Claim Transfer on its face denotes that CitiRL holds the claim as Servicer for Norwest Wells Fargo as Trustee of Amresco Trust.

8. The Notice, which does not reference CitiRL's role as Servicer, was not filed by Ameriquest.

Dated: March 7, 2008

Respectfully submitted,

AMERIQUEST MORTGAGE COMPANY

/s/ Daniel Glosband

Daniel M. Glosband (BBO No. 195620)
Richard A. Oetheimer (BBO No. 377665)
Jonathan P. Olsson (BBO No. 660521)
GOODWIN PROCTER LLP
Exchange Place
Boston, MA 02109
Ph: 617-570-1000
Fax: 617-523-1321
dglosband@goodwinprocter.com
roetheimer@goodwinprocter.com
jolsson@goodwinprocter.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS - WESTERN DIVISION

In re:)	
)	
)	
JACALYN S. NOSEK,	)	Chapter 13
Debtor	)	Case No. 02-46025-JBR
)	
)	
JACALYN S. NOSEK,)	
Plaintiff)	
	)	Adv. Pro. Nos.
	)	04-4517 and
	)	07-4109
v.)	
)	
AMERIQUEST MORTGAGE COMPANY, <i>et al.</i>)	
Defendant)	
)	

CERTIFICATE OF SERVICE

I, Daniel M. Glosband, hereby certify that I have this 7th day of March, 2008, served the foregoing document, upon the parties of interest in the above referenced case and adversary proceedings, via electronic court notice to those registered with CM-ECF.

/s/ Daniel M. Glosband
Daniel M. Glosband (BBO No. 195620)
GOODWIN PROCTER LLP
Exchange Place
Boston, MA 02109
(617) 570-1000
(617) 523-1231 (fax)

Dated: March 7, 2008